

## **REMARKS**

In the Office Action of the June 5, 2007, the Examiner objected to the disclosure and claims 7, 8, 10, 12, and 14, and rejected claims 1-6, for various informalities. The Examiner rejected claim 1 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,860,701 to Courtois et al., and rejected claims 2-4 under 35 U.S.C. §103(a) based on Courtis et al. in view of U.S. Patent No. 5,110,185 to Schmutz et al. The Examiner also stated that claims 5 and 6 included patentable subject matter.

In this Amendment, Applicants have amended the claims generally throughout to improve form and antecedent basis. Also, Applicants have addressed the Specification objections. In view of these amendments, Applicants request withdrawal of the objections to and rejections of the specification and claims for formalities. Additionally, Applicants will follow this filing with a Substitute Specification for the Examiner's convenience.

Applicants respectfully traverse the rejection of claim 1. Claim 1 now recites the following:

*A fastening device for a headrest of a vehicle seat having a framing, the device comprising:*

*two holders distanced from one another in a direction (Y) transverse to the seat for adjustable guidance of the height of two headrest support rods;*

*one of the holders having a guide shell which can accommodate one of the support rods via slideable encasement; and*

*a carrier mounted on the framing of the vehicle seat and being movable in a direction transverse to the seat (Y) and onto which the guide shell is movably mounted to pivot around a first axis which runs in the longitudinal direction of the seat (X).*

Applicants respectfully submit that Courtois et al. does not disclose or suggest such subject matter. For example, this reference does not disclose or suggest a headrest fastening device including two holders for receiving headrest support rods, wherein one holder has a guide shell for receiving a support rod, and wherein the guide shell movably mounted to a carrier. The carrier is mounted to the frame of the vehicle so that the carrier is movable in a transverse direction (Y, in the figures) AND so that the

guide shell is pivotable around an axis running in the longitudinal direction (X, in the figures).

Applicants can find no structure in Courtois et al. that is located as is and that performs the functions of the carrier and guide shell, as claimed in claim 1. In particular, using the definitions of the transverse (Y) and longitudinal (X) directions set forth by the specification and drawings, no such structure or function is present in the cited reference. Thus, no transverse (Y) movement is disclosed between the elements (10, 11, 12, and 22, etc; or 33 and 34, etc.) holding stalk 8 in place in any of the embodiments. Further, no pivoting about an axis in the (X) direction is disclosed. Accordingly, the Courtois et al. device suffers from some of the drawbacks of the devices mentioned in the Background, namely issues when stalks 8 are not perfectly parallel. Please see Figs. 3, 4 and 7-9 of Courtois et al. in particular. While there may be a bit of play in the forward-back (X) direction for the stalk 8 in its holding parts, there is no lateral movement or (X) axis pivoting provided between any two of the parts that hold the stalk.

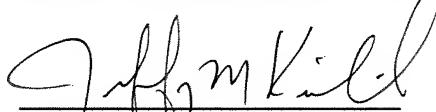
Accordingly, Applicants respectfully submit that claim 1 and claims 2-14 are patentable over the cited reference. In view of the above, Applicants request reconsideration and reexamination of the present amendment and allowance of claims 1-14.

The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this application and to resolve any issues.

Please charge any fees required by this Preliminary Amendment, and credit any overpayment, to Deposit Account No. 04-1403.

Sincerely,

DORITY & MANNING, P.A.



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